REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Final Office Action, including the Examiner's withdrawal of the objections to the figures. Applicant submits that the currently amended independent Claims 5-7, 9, 22, 23, and 31 are not anticipated by Aucsmith for at least the reasons explained below. Accordingly, Applicant requests reconsideration and allowance in view of the above amendments and the following remarks.

Independent Claims 5 and 22 are Not Anticipated by Aucsmith:

Claim 5 has been amended to independent form to recite, *inter alia*, that the method of responding to an intrusion includes **selectively responding** to a notification of an intrusion by a computer evaluating the notification based on a local IDS policy that includes information relating to **whether** the computer is protected by a firewall from a source of the intrusion. Claim 22 has also been amended to independent form and includes recitations corresponding to Claim 5.

In rejecting Claims 5 and 22, the Final Office Action on page 4 now cites Aucsmith's paragraph 0065 which describes that the application monitor 308 may send information through the firewall 310 to the intrusion detection mechanism 312, and that the intrusion detection mechanism 312 can operate on that information to detect an intrusion. However, Aucsmith's description in paragraph 0065 assumes that the application monitor 380 is always protected by the firewall 310. Aucsmith does not describe or suggest that the application monitor 308 responds differently to an intrusion notification based on whether or not the firewall 310 is absent. Moreover, Applicant submits that neither the cited portion nor elsewhere does Aucsmith describe or suggest that application monitor 308 or another computer **selectively responds** to a notification of an intrusion by evaluating the notification based on **whether** or not the computer is protected by a firewall from a source of intrusion.

Consequently, Applicant submits that Claims 5 and 22 are not anticipated by Aucsmith. Reconsideration and allowance of Claims 5 and 22 is requested.

Independent Claims 6, 7, 23, and 31 are Not Anticipated by Aucsmith:

Claim 6 has been amended to independent form to recite, *inter alia*, that the method of responding to an intrusion includes **selectively responding** to a notification of an intrusion by a computer evaluating the notification based on a local IDS policy and **memory utilization in the computer**. In rejecting Claim 5, the Final Office Action on page 5 now cites Aucsmith's paragraph 0084 which describes that its techniques may be implemented in programs executing on programmable machines having volatile and non-volatile memory. However, neither paragraph 0084 nor elsewhere does Aucsmith describe or suggest that the agent 106, the application monitor 308 or another computer **selectively responds** to a notification of an intrusion by evaluating the notification based on a local IDS policy **and memory utilization in the computer**. Consequently, Applicant submits that Claim 6 is not anticipated by Aucsmith. Reconsideration and allowance of Claim 6 is requested.

Claim 7 has been amended to independent form to recite, *inter alia*, that the method of responding to an intrusion includes **selectively responding** to a notification of an intrusion by a computer evaluating the notification based on a local IDS policy and **processor utilization in the computer**. In rejecting Claim 7, the Final Office Action on page 8 again cites paragraph 0084 of Aucsmith. However, neither paragraph 0084 nor elsewhere does Aucsmith describe or suggest that the agent 106, the application monitor 308, or another computer **selectively responds** to a notification of an intrusion by evaluating the notification based on a local IDS policy **and processor utilization in the computer**. Consequently, Applicant submits that Claim 7 is not anticipated by Aucsmith. Reconsideration and allowance of Claim 7 is requested.

Claims 23 and 31 have each been amended to independent form and include a combination of the recitations of Claims 6 and 7. For example, Claims 23 and 31 recite that the computer is configured to **selectively respond** to the notification based on a local IDS policy and based on at least one of **memory utilization in the computer** and **processor utilization the computer**. Accordingly, for at least the reasons explained above with regard to Claims 6 and 7, Applicant submits that Aucsmith does not anticipate Claims 23 and 31. Reconsideration and allowance of Claims 23 and 31 is requested.

Independent Claims 9 is Not Anticipated by Aucsmith:

Claim 9 has been amended to independent form and recites that the computer **selectively responds** to the intrusion notification by evaluating the notification based on a local IDS policy and **based on proximity of the computer to a source of the intrusion**. In rejecting Claim 9, the Final Office Action on page 9 again cites to paragraphs 0028 and 0051-0055. Applicant submits that neither the cited paragraphs nor elsewhere does Aucsmith describe that the agent 106, the application monitor 308, or another computer determines proximity of itself to a source of the intrusion or, much less, that it **selectively responds** to an intrusion notification by evaluating the notification based on a local IDS policy and **based on proximity of the computer to a source of the intrusion**. Consequently, Applicant submits that Claim 9 is not anticipated by Aucsmith. Reconsideration and allowance of Claim 9 is requested.

CONCLUSION

In view of the above amendments and remarks, Applicant submits that the above-entitled application is in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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